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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,672	09/08/2000	Takekazu Kumagai	B588-012	3660

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EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/658,672

**Applicant(s)**

KUMAGAI, TAKEKAZU

**Examiner**

JAGDISH PATEL

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5, 6 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5, 6 and 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

1. This communication is in response to amendment filed 11/30/04.

***Response to Amendment***

2. Claims 1-4, 7 and 10 have been cancelled and claims 5,6,8, 11 and 12 have been amended. New claims 15-17 have been amended per applicant's request.

3. Rejection of claims 1-8 and 10-12 under 35 USC 102 (c) has been withdrawn.

***Response to Arguments***

4. Applicant's arguments with respect to the rejected claims under 102(e) over Dedrick have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 5-6, 8, 11-12, and 15-17 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 5, 6 and 15-17 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are:

Means that would link the identification setting means for setting identification information for each storage area (which have been set by the storage setting means in the storage means) to identification information received from the receiving means for receiving file data.

Additionally, the claim 5 recites the storing means as storing the file data in a storage area corresponding to the received identification information. This limitation does not functionally link to storage setting means and the identification information setting means because (1) the storage area of the storing means does is not related to the storage areas of the storage unit recited in the storage area setting means and (2) the identification information (in the setting means) do not correlate to the identification information received from the receiving means.

Claim 5 recites managing means for managing charge information of the file data for each storage area. However, since there is no charge information made available or created.

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Therefore, it is unclear how the managing means would manage the charge information of the file data for each storage area.

Dependent claims 6, 8 and new claims 15-17 also inherit same deficiencies as parent claim 5.

Dependent claim 6, additionally calculating a charge amount on the basis of the charge information. This limitation lacks antecedent basis for limitation "on the basis of the charge information". As per discussion of claim 5, there is no charge information created or made available by any means. Claim 6, by itself is rendered indefinite for this reason.

Claim 11 recites a method that corresponds to and contain similar deficiencies as corresponding elements of the apparatus claim 5.

Claim 12 recites a storage medium storing a program that corresponds to and contain similar deficiencies as corresponding elements of the apparatus claim 5.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

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the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 5-6, 8, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Vries et al. (US Pat. 6,704,738) and further in view of Dedrick.

As per claim 5, de Vries discloses a storage apparatus connected to a network, see Fig. 1A, B) comprising storage area setting means for setting a plurality of storage areas in a storage unit (col. 5 L 7-24, L 41-45 raw audio/video data in conjunction with media database 22), identification information setting means for setting identification for each storage area (col. 5 L 7-24 and L 41-45 object identification number, ..at a location in the media database), receiving means for receiving a file data with identification number (URL, see col. 5 L 41-64), storing means for storing the file data ..(refer to media database server 24).

de Vries, however, fails to explicitly recite "managing means for managing charge information" as per claim 5.

Dedrick in the same field of endeavor teaches a storage apparatus connected to a network which comprises managing means for managing charge information of the file data stored in a storage area.

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(see col. 7 L 34+ When an end user requests electronic information, the metering server 14 calculates the price of consuming the electronic information from the cost type and the cost value associated with the information. ...)

It would have been obvious to one of ordinary skill in the art at the time of invention to implement a charging means for managing charge information in de Vries as per Dedrick because this would facilitate the purchase of the multimedia information by outside entities, it would also further allow an enterprise to utilize the apparatus to disseminate the information for revenue generation and profits.

Claim 6 de Vries, however, fails to explicitly recite a calculation means for calculating a charge amount for each storage are on the basis of charge information.

Dedrick in the same field of endeavor teaches a storage apparatus connected to a network which comprises a calculation means for calculating a charge amount for each storage are on the basis of charge information.

(see col. 7 L 34+ When an end user requests electronic information, the metering server 14 calculates the price of consuming the electronic information from the cost type and the cost value associated with the information. ...).

(see claim 1 for motivation statement).

Claim 8. de Vries fails fails to teach, however, Dedrick teaches a password setting means for setting a password for processing data stored in each accumulation area for each accumulation area.

(col. 3 L 17-21 Each client computer 12 is provided with a graphic user interface (GUI) that allows the end user to participate in the system 10. The GUI will contain fields that receive or correspond to inputs entered by the end user. The fields may include the user's name and possibly a password. Note that the client password is set in conjunction with the access for the accumulation area (content database) of the metering server 14).

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It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate a password setting means as per claim 8 because it would limit the access of the file data to those users who are authorized access.

Claims 11 and 12 corresponds to apparatus claim 5 and therefore, similarly analyzed.

### **Conclusion**

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

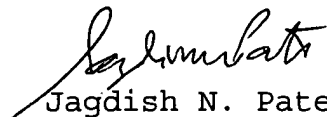


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (703)308-7837. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703)308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jagdish N. Patel

(Primary Examiner, AU 3624)

2/7/05